

LAW ENFORCEMENT NEWS

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Atlanta mayor suspends Commissioner Eaves following report on promotional exam cheating

A. Reginald Eaves, one of the first blacks to head a major American police force, was forced from his post as Atlanta Public Safety Commissioner earlier this month in the wake of accusations that he had authorized a promotion exam cheating scheme designed to expedite the advancement of black officers within the department.

"As of last Friday [March 10], Commissioner Eaves submitted a letter of resignation, effective in June," a spokesman for Mayor Maynard Jackson told Law Enforcement News. "Mayor Jackson subsequently suspended him without pay for that 90-day period."

Although allegations regarding the cheating scandal were made public about a year ago, Eaves was not implicated in the scheme until last month, when two lawyers appointed by the mayor completed a com-

cluding but not limited to your failure to initiate any inquiry into cheating on the police examinations after receipt of reasonable notice that something was amiss and the consequent severe damage to the integrity of this administration and the good name of our great city, more than justify and require the suspension," the mayor added.

Jackson stopped short, however, of accepting the report's conclusion that Eaves had a hand in encouraging the cheating. The mayor had appointed Eaves, his one-time college roommate, in 1974 with instructions to increase the number of blacks in the police and fire services. While the racial composition of the city is predominantly black, its public safety department has traditionally been staffed with whites.

Calvin Carter, the director of airport administration for Atlanta's Department of

being "grossly indifferent" to allegations of "widespread unfairness and cheating" and accused him of "testifying falsely under oath" and of "avoidance, evasion and interference" when he was asked by investigators to submit to a polygraph examination.

A well-known local black lawyer, Felder Ward, and a white attorney, Randolph Thrower, were commissioned to conduct the probe last November, when four black officers swore in affidavits that Eaves had ordered cheating on the sergeants' test. The probe consisted of 63 polygraph examinations of 49 persons which resulted in approximately 5,000 pages of testimony.

Although previous investigations into the matter had been conducted by city officials, they proved to be generally inconclusive. One earlier probe had uncovered evidence of cheating, but it failed to substantiate Eaves's role in the scandal.

The Thrower-Ward report recommended that specific disciplinary action be taken against 23 officers for their part in the promotion scheme. A department spokesman

said that the Bureau of Police Services has already begun "administrative hearings" which will examine the role of each of the accused officers.

Eaves's three-year term as public safety commissioner was peppered with a number of controversies. He publicly argued with the top police officer under him, a white, and sharply reduced his overall command of the force; he hired a secretary with a long police record, and he allegedly helped a relative get a municipal post.

In a telephone interview, a police spokesman cited another dispute in which Eaves was involved, noting that the commissioner's attempts to racially balance the department had resulted in a law suit filed by Atlanta's predominantly white police union against the Bureau of Police Services.

In spite of the controversies that he ignited, Eaves seemed to have the support of most Atlanta residents. An aide to the mayor noted that the commissioner had managed to reduce the city's overall crime

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A. Reginald Eaves

prehensive investigation of the incident. In a 210-page report, the attorneys charged that Eaves had "expressly authorized" that answers for the sergeants' test be given to some black officers to assure their promotion.

When Eaves refused to resign effective immediately, Jackson ordered his suspension, informing the commissioner that his ouster was due to "negligence and indifference in the performance of your duties surrounding and related to the 1975 Atlanta police promotional exam which had been the subject of recent investigation."

"These serious errors in judgment, in-

Aviation, will serve as acting commissioner of the public safety forces, a department spokesman said, adding that the search for a permanent successor to Eaves has not yet begun.

Throughout the civic furor created by the promotion scandal, Eaves had asserted his innocence. When asked his reaction to the report shortly after its release, he declared, "Obviously, I'm shocked. I'm firm in my convictions that I've done nothing wrong."

In addition to stating the Eaves played a major role in the cheating incident, the report charged the commissioner with

IACP, League of Cities clash on tenure for police chiefs

Leaders of the International Association of Police Chiefs (IACP) and the National League of Cities (NLC) have become embroiled in a controversy over the issue of granting tenure to top municipal police executives.

The debate was touched off last month when IACP President Howard C. Shook, police chief of Middletown Township, Pennsylvania, wrote an editorial in the February issue of the *Police Chief* magazine, which charged that terminations of police executive officers often "serve no other purpose than to make room for some political puppet favored by the incoming administration."

Earlier this month, NLC President Tom Moody, the mayor of Columbus, Ohio, rebutted Shook's argument in a letter to IACP Executive Director Glen D. King. "The so-called 'constant turnover of police chiefs' is a phenomenon which is witnessed by relatively few mayors or city councils," he wrote. "To speak of the stated problem in such exaggerated terms serves neither to state the legitimate concerns of police chief executives nor to recognize the legitimate concerns and responsibilities of the mayor, city council, city manager, or other appointing body."

While Moody accused the IACP president of using "the rhetoric of catchy slogans" in his editorial, Shook pointed out that municipal leaders use fancy verbal

footwork themselves when they fire a police chief. "We invariably see these decisions couched with the smokescreen of, 'The chief's resignation is accepted with regret and a deep sense of loss...,'" he said. "This is, of course, for the public consumption."

However, Moody's main argument against the granting of tenure centered on elected officials' responsibility to remove an inept law enforcement administrator. He noted that both the police executive and politician must answer to the people that they serve.

"Local officials have learned the hard way that an increasingly informed electorate demands and holds their officeholders accountable for the delivery of improved police services," he said. "The accountability of the local chief executive must be extended to the police administrator as well."

In his discussion of municipal leaders' responsibility to the electorate, Shook noted that the arbitrary removal of a police chief disrupts police service and compromises the public's confidence in government, creating a condition which is "intolerable," in regard to law enforcement. "Impartial policing is vital to the democratic process," he explained, "and the protection of law is guaranteed to all people."

The IACP president's editorial also touched on the police executive's right to

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US comptroller's office forms unit to combat bank fraud

The Federal government's bank regulatory agency has created a special "fraud squad," designed to crack down on white collar crime by uncovering suspected cases of bank fraud, according to a *New York Times* report.

Organized by the Office of the Comptroller of the Currency, the unit consists of 30 OCC bank examiners, who were brought to Washington, D.C. last January for a week-long seminar, covering such topics as mail fraud, organized crime, stolen securities, loan abuse and general bank fraud.

News of the unit's formation was made public last month, when Comptroller John G. Heimann told a meeting of bankers in Fort Worth, Texas that the squad was set up in keeping with the Carter administration's stated goal of placing a high priority on reducing white collar crime.

Discussing the type of training that the anti-fraud group received, Robert Serrino, director of OCC's enforcement division, said that the Washington seminar was "a first step" toward developing fraud detection specialists. "Our first session sensitized examiners to spotting fraud, and informed them about the ways in which a chain of evidence in a case could be preserved," he said.

Both Serrino and Heimann concurred

that one of the major potential benefits of the new squad would be the improvement of cooperation between the comptroller's office and the other Federal agencies on which OCC depends in its fraud investigations.

Serrino added that training for the original unit would continue, while other OCC officials would receive similar training as resources permit.

Entire PD in Chicago suburb suspended; thefts charged

The suburban Chicago community of Robbins, Illinois suspended its entire police department last month after some of the force's 15 members were accused of committing improprieties that ranged from extortion to stealing confiscated drugs that were to be used as evidence.

Douglas Polsky, the village's attorney, told the *New York Times* that 12 of the officers were relieved of duty on March 7, while the remaining three were already under suspension in connection with department charges.

"The problem has been conspicuous for some time," Polsky noted. "The city has been inundated with citizens' complaints of police brutality, the failure of the department to respond to calls, the use of abusive language in confrontations, armed robberies, extortion, car thefts and burglaries."

Until the department undergoes a reor-

ganization and training program, the lawyer said, Robbins' 9,600 residents would be policed by neighboring departments and by the Cook County Sheriff. Meanwhile, the village's regular officers will be paid through April, when they are to be either permanently removed or reinstated.

Although no indictments or criminal charges have been handed down, Polsky observed that departmental charges had been brought against three policemen.

The village attorney also cited some procedural problems within the department, noting that none of the suspended officers had any investigative training and that four of the policemen were not even licensed to drive.

UK Parliament rejects bid to renew death penalty in Ulster

The British House of Commons has rejected a request by a Protestant lawmaker who last month proposed that the death penalty be restored in Northern Ireland as a deterrent against terrorism, according to the Associated Press.

The request came from James A. Kilfedder, a member of Parliament from the Castlereagh district where 12 persons were killed recently in the bombing of a crowded Belfast inn. The Provisional Wing of the Irish Republican Army had claimed responsibility for the attack.

Roy Manson, Secretary of State for Northern Ireland, opposed the capital punishment demand, noting that the death penalty would give "the glamour of martyrdom" to terrorists. "I have no intention of playing into their hands," he said.

Speaking before the House of Commons, Manson argued that "callous fanatics" would not be deterred by the reintroduction of capital punishment, which was abolished in Northern Ireland in 1972.

"I realize the deep emotions which have been aroused," he said, "but what is needed is restraint plus the maximum support of the security forces by the whole community."

Standards bureau issues study on safety of police tires

At least two police fatalities and one permanent disability have been caused by

failures of steel-belted, radial-ply tires during high speed operations, according to a new National Bureau of Standards report which recommended the use of special application tires on patrol cars.

Sponsored by LEAA's National Institute of Law Enforcement and Criminal Justice, the report noted that one state highway patrol agency had over 200 radial tire failures during the study period.

"The report concludes that general-use tires, whether steel-belted radial, fabric-belted radial, bias ply, or bias belted, are not suited to high speed use," and NBS announcement said. "It recommends that police departments use for high speed patrol only those models that tire manufacturers have tested and certified for use at speeds of at least 125 miles per hour."

Entitled "Report on an Investigation of the High Speed Hazards of Steel Belted Radial Tires on Police Patrol Cars," the 39-page document is available for \$1.60 prepaid from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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Experts endorse bill to curb growing use of fraudulent ID's

A bill that would tighten Federal laws pertaining to the illegal use of false identification received enthusiastic support from a host of Federal officials in recent hearings before the Senate Judiciary Committee.

The legislation, designated as S.1096, was introduced by Senators James Eastland (D-Mississippi) and Strom Thurmond (R-South Carolina) last year as an attempt to curb the growing use of falsified IDs by fortifying the Federal laws that relate to the problem.

According to a report on the hearings which was released earlier this month, S.1096 has a threefold purpose:

- It would make it a criminal offense to falsely obtain, possess, manufacture, sell or transfer any fraudulent U.S. government identification documents, and provide criminal sanctions against the use of interstate facilities to transmit any false state or Federal ID.

- It would impose penalties on those who use interstate facilities to transmit any false information or document for the purpose of obtaining any state or Federal identification certificate.

- It would provide criminal penalties for falsely making or selling an official state document for the purpose of obtaining official U.S. documents based on identity.

The committee's report on the measure quoted testimony from a number of expert witnesses, including Deputy Assistant Attorney General Robert L. Keuch, who indicated that the Justice Department fully supports the bill's passage. "This legislation is vital if we are to stop the spreading criminal use of false identification," he said.

Both Keuch and Frances Knight, a former director of the Passport Office, detailed how a criminal could provide a paper identity for himself, beginning with a fraudulent birth certificate.

Noting that usually no identification is required for an applicant to obtain a birth certificate, Keuch pointed out that there are over 7,000 offices in the country that are authorized to issue certified copies of birth documents, with procedures that vary widely from office to office. He added that the situation is made more complex because over 80 percent of all requests for the documents are made by mail or telegram.

Emphasizing the need for S.1096, Knight declared that the approximately 350 existing statutes which relate to false ID are for the most part ineffective because "most identification documents are issued and regulated solely by the states."

"Federal statutes come into play when the criminal applies for a Federally-issued document such as a passport," she explained. "By this time, the criminal often has built such a variety of state-issued documents that the fact that his Federal application is false is difficult to detect and the scheme is likely to succeed. Indeed, a criminal's false identification may be more persuasive and complete than an honest person's valid identification."

James B. Adams of the FBI struck a similar theme in his testimony before the committee. He noted that S.1096 would enhance cooperation between Federal and state law enforcement agencies by permitting them "to fill the void between the current state procedures and the Federal procedures by getting into the transmission of information between the state and

Federal governments."

Tracing the growing national commerce in bogus IDs, the FBI official described the operation of a West Coast dummy firm, which utilized mail drops to obtain and sell at a profit hundreds of birth certificates of deceased infants. A subsequent investigation of the scheme resulted in the arrest of 15 suspects, who were using the false identification to smuggle drugs estimated to have a value of \$20,000,000.

Senator Orrin Hatch (R-Utah), who chaired a number of the hearings, read into the record copy from an advertisement which promoted a manual on the technique of securing false IDs. The book, entitled, "The Paper Trip," promised to provide information that would allow an individual to:

"Cover any undesirable employment record; change your age, for whatever purpose; make a new name for yourself and never be detected; cover arrest, jail, or prison records permanently; disappear for good, for whatever reasons, perfectly; return from exile without detection; change citizenship to any country; make the government itself create your new identity; leave bad credit records behind; avoid any or all creditors. . . ."

FBI may face contempt charges in non-disclosure of informers

FBI officials who refuse to reveal the names of the bureau's informers may be subject to prison terms, according to a Federal judge who is presiding over a \$27 million damage suit filed against the FBI by the Socialist Workers Party.

Federal District Judge Thomas P. Griesa issued the warning last month when Justice Department lawyers suggested that they might forfeit all or part of the suit rather than disclose the names.

"I want to give you advance notice that I will seriously consider contempt or imprisonment of defendant officials," he told the government attorneys, adding that he would reject their attempts to settle the case out of court.

Commenting on the judge's ultimatum, Attorney General Griffin B. Bell said he had been told that no formal order had yet been issued, but he emphasized that "it is the policy of this Department of Justice to obey court orders."

While he acknowledged that it is important to protect the identity of informers, the Attorney General declared, "Any proposal to deviate from the policy of obeying court orders should have my personal attention."

According to the *New York Times*,

Griesa accused the Justice Department of filing what he called "incomplete and misleading" responses under oath to questions in the case. He added that, in reviewing informer files, he found that one of the sources had reported on party discussions about the damage suit.

"Commencing during the time of this lawsuit was pending, this informant provided the FBI with information about discussions about the present lawsuit, discussions about the so-called political rights defense fund," the judge said. "This informing went on for a period of 10 months before the FBI said that it should be stopped."

The bureau admitted to utilizing about 1,300 secret informers in the party over 40 years of its existence, noting the less than 100 are still in place. The remaining sources could not be removed too quickly, the FBI confided, for fear that they would be identified and endangered.

Apparently the next move in the case will be up to top Justice Department officials. Barbara Babcock, Assistant Attorney General in charge of the civil division, told the *Times* that no decision to forfeit the case has been made and when it came it would be made "above my level."

Nebraska drunk driving charge voided as judge challenges citizen's action leading to arrest

A municipal judge in Omaha recently voided a drunk driving arrest, ruling that the defendant would not have had "an encounter" with the police if his erratic driving had not been reported to the authorities by a private citizen.

Police reports show that the suspect allegedly drove over a curb and that the incident was witnessed by a citizen who telephoned police on his mobile telephone. The citizen subsequently followed the suspect and observed as he forced a car off the road.

When police stopped the suspect, he reportedly admitted he had been drinking, and a subsequent breathalyzer test showed that he had .18 of one percent blood alcohol. The state of Nebraska considers .10 of one percent legally intoxicated.

Judge Elizabeth D. Pittman sided with defense attorney Thomas G. McQuade in suppressing both the confession and breathalyzer test on the grounds that the arrest was illegal.

Assistant City Prosecutor James Schaefer stated that even though some evidence was suppressed, he would go ahead with the trial because, in the past, an officer's opinion on whether or not a person is drunk has been accepted by the city's courts.

Schaefer said the arresting officers had smelled liquor on the suspect's breath and that they should have been allowed to give their opinion, but the judge ruled against it.

Although he acknowledged that the arresting officers did not see the suspect driving erratically, the prosecutor contended that their opinion on the driver's condition, together with the testimony of the citizen, should have been enough to get a conviction.

Judge Pittman said that because she considered the arrest illegal she had to suppress much of the evidence.

According to a story appearing in the *Omaha World Herald*, the defense attorney

said, "It was my contention that if the reason [for the arrest] is based on an informant who you don't know and don't know the reliability of, then you don't have probable cause to stop him."

The prosecuting attorney said that the citizen was just trying to help the police and he should not have been considered an informant. The city prosecutor will appeal the ruling.

—Kenneth Bovasso

Private auditors hired to aid study of Chicago police abuses

A Chicago citizen's panel that has been examining alleged police intelligence abuses in the city since last summer has called in a private auditing company to conduct an in-depth study of the Chicago department's surveillance activities.

The five-member committee, which was appointed by Mayor Michael Bilandic last July to monitor police intelligence gathering, announced earlier this month that the firm of Touche, Ross & Company will be paid \$44,100 for the audit.

Explaining the action, committee chairman Kenneth C. Prince said that his group has thoroughly familiarized itself with the surveillance program but that the auditing firm would discover what "actually takes place" and uncover "any holes in the system."

The Chicago-based auditors, who have conducted similar studies in Washington, D.C. and Providence, Rhode Island, will attempt to determine whether or not the police follow departmental guidelines in their intelligence operations, Prince said, adding, "If there are abuses, we hope to find solutions for them."

According to the panel chairman, the auditing firm will submit its findings to the committee within 60 to 90 days, and the panel would then make its recommendations to Bilandic. "We hope the police and mayor will be responsive to whatever we recommend," Prince said.

Bilandic organized the committee last year after a number of local political figures and community organization groups

charged that the city's police were abusing their surveillance powers. Several of the organizations have filed Federal suits, which claim that they were spied upon in violation of their civil rights.

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C-57	Attorney Trainee	8.00	C-1331	Jail Training Supervisor	8.00	C-2265	Senior Campus Security Officer	8.00
C-90	Border Patrol Inspector	6.00	C-1332	Jailer-Clerk	6.00	C-2070	Senior Capital Police Officer	8.00
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C-169	Correction Sergeant	8.00	C-619	Probation Officer	8.00	C-821	Transit Patrolman	6.00
C-958a	Correction Youth Camp Officer (Men)	6.00	C-1429	Probation Officer Trainee	6.00	C-822	Transit Sergeant	8.00
C-958b	Correction Youth Camp Officer (Women)	6.00				C-823	Treasury Enforcement Agent	6.00
C-959	Correctional Treatment Specialist	8.00				C-852	Uniformed Court Officer	6.00
C-966	Court Officer	6.00				C-853	United States Marshal	8.00
C-1229	Criminal Investigator	8.00				C-1989	United States Park Police Officer	6.00
C-969	Criminal Law Investigator	8.00				C-894	Warden	10.00
C-177	Customs Inspector	6.00				C-891	Watchman	6.00
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Supreme Court Briefs

Following are summaries of recent decisions of the United States Supreme Court that affect law enforcement and criminal justice.

By AVERY ELI OKIN
Sentencing

Associate Justice Brennan delivered an 8-to-1 decision which held: "In a prosecution growing out of a single transaction of bank robbery with firearms, a defendant may not be sentenced under both [Title 18 United States Code] §2113(d) and §924(c)."

Section 2113(d) enhances the punishment allowable when a bank robbery is committed "by the use of a dangerous weapon or device." Under 18 U.S.C. §924(c) any person who uses a firearm to commit a felony "shall be subject to a penalty in addition to the punishment provided for the commission of such felony."

Petitioners were convicted in two trials under 18 U.S.C. §2113(a) and (d) and under 18 U.S.C. §924(c) in the District Court. Their convictions for two armed bank robberies were affirmed in the Court of Appeals for the Sixth Circuit. They were sentenced for each robbery with each petitioner receiving "consecutive terms of 25 years' imprisonment on the robbery count" and in addition "10 years" on the firearms count."

Defense counsel in the lower courts unsuccessfully argued that "the imposition of cumulative penalties for the two crimes was impermissible because the §2113(d) charge merged with the firearms offense for purposes of sentencing."

In reversing, the Supreme Court relied heavily on a 1968 statement made by Representative Poff, who sponsored §924(c) as an amendment to the Gun Control Act of 1968, which stated: "For the sake of legislative history, it should be noted that my substitute is not intended to apply to title 18. . . which already define the penalties for the use of a firearm . . . with sections 2113 or 2114 concerning armed robberies of the mail or banks." This intent on the part of the sponsor was not included in writing in the legislation.

Mr. Justice Rehnquist, the sole dissenter stated that "it is the statutory language embodied in the enrolled bill which Congress enacts, and that must be our first reference point in interpreting its meaning." Continuing his dissent Mr. Justice Rehnquist noted that several bills dealing with firearms control "prior to June 1968, were brought to the floor and enacted with dramatic swiftness following the assassination of Senator Robert F. Kennedy. . . following by less than three months the similar killing of Reverend Martin Luther King." The dissent concluded: "It seems to me not only permissible but irresistible, in reading the language of the two statutes, to conclude that Congress intended when it enacted §924(c) to authorize the enhancement of the sentence already imposed by virtue of 18 U.S.C. §2113."

This decision, in addition to being a strong precedent, set the stage and outlined the Court's reasoning on how they may handle conflicting criminal statute questions in the future. (Simpson v. United States, No. 76-5761, Simpson v. United States, No. 76-5796, announced February 28, 1978.)

Prison officials — immunity

Chief Justice Burger and Justice Stevens dissented in a 7-to-2 decision which held:

"state prison officials, were entitled to immunity unless they 'knew or reasonably should have known' that the action they took with respect to respondent's mail would violate his Federal constitutional rights, or they took the action with the 'malicious intention' to cause a deprivation of constitutional rights or other injury," from actions brought under 42 U.S.C. §1983.

A prisoner at Soledad Prison in California contended that prison officials "had refused to send by registered mail" letters to "legal assistance groups, law students, the news media and inmates in other state prisons as well as personal friends." It was also alleged that "none of the items had ever reached the intended recipient."

In handing down the ruling, the Court reversed the United States Court of Appeals for the Ninth Circuit and affirmed the summary judgment against the state prisoner in the District Court. In a majority opinion, Justice White wrote that the Supreme Court "has recognized that in enacting §1983 Congress must have intended to expose state officials to damage liability" but that "the section has been consistently construed as not intending wholesale revocation of the common-law immunity afforded government officials."

In his brief dissent, Justice Stevens rejected the majority's holding on this issue and wrote: "Today's decision, coupled with O'Connor v. Donaldson, 422 U.S. 563, strongly implied that every defendant in a §1983 action is entitled to assert a qualified immunity from damage liability."

The contention put forth by the petitioner was that the interference with prisoners' outgoing mail was a violation of the First and 14th Amendments. In rejecting the argument the Court stated that "there was no established First and 14th Amendment right protecting state prisoners' mail at the time in question, and therefore, as a matter of law, there was no basis for rejecting the immunity defense on the ground that petitioners knew or should have known that their alleged conduct violated a constitutional right."

According to an article in the New York Times, the Chief Justice dissented because "the majority had failed to answer the real underlying question: Whether the prisoner, Apolinar Navarette Jr., had any right at all to invoke Federal civil rights laws to collect damages from prison officials for a civil offense no greater than negligence?" In the text Chief Justice Burger wrote: "I dissent because the Court's opinion departs from our practice of considering only the question upon which certiorari was granted or questions 'fairly comprised therin.'"

Discussing the concept of law ruled on by the Court's majority, the Chief Justice summed up his view in one sentence. "I would hold that one who does not intend to cause and does not exhibit deliberate indifference to the risk of causing the harm that gives rise to a constitutional claim is not liable for damages under §1983," he stated. (Procuri v. Navarette, No. 76-446, announced February 22, 1978.)

Probation

In an unanimous decision the Court ruled that 18 to 21 year old Federal of

Continued on Page 8

BURDEN'S BEAT

By ORDWAY P. BURDEN

Cutting through the logjam in the Federal court dockets

A momentous, although largely unnoticed step was taken recently in breaking the logjam in our Federal courts, the net result of which will be to speed the time during which criminal cases can be tried, a major goal in improving the criminal justice system and in reaching the target of speedy justice.

At the end of February, by a margin of a single vote over the necessary two-thirds majority, the House of Representatives approved a proposal, long sought by Chief Justice Earl Warren, which abolished so-called "diversity jurisdiction" in the Federal courts.

Under the old diversity doctrine, enacted by Congress as part of the Judiciary Act of 1789, a litigant in a civil case who sought to sue someone in another state had the choice of suing that defendant in the defendant's state, or in the state where the complaint arose, in either the state or Federal court.

The theory behind the doctrine was that, in the early days of the Republic, citizens of a given state had an intense loyalty to that state, and not much loyalty to the central government. Thus, when a "foreigner" from, say, New Jersey, tried to sue someone in Connecticut, the state courts of Connecticut could be counted on to show favoritism to the defendant, who was one of "their own." Under the diversity system, the plaintiff could go into Federal court in Connecticut and be assured of at least some degree of fairness and objectivity, since the Federal judge, it was thought, would have a more national orientation and less local bias.

As a result of this doctrine, Federal courts wound up trying cases that were not all matters of substantial Federal interest. Thus, a Federal court might try an automobile accident case, not because any Federal law was violated, or because there was a peculiarly national interest in the case or the issue, but merely because the controversy involved citizens of different states. This system has always prevented Federal judges from becoming specialists in matters of strictly Federal law, for they had to learn not only Federal statutes, but also the myriad state statutes and case law.

This problem was worse than it sounds. Because of a peculiar doctrine promulgated by the Supreme Court, a Federal court in Connecticut adjudicating, say, an automobile accident that occurred in New Jersey, would have to apply certain aspects of New Jersey law to the case. Thus, a Federal judge sitting in one court might have to learn the laws and court decisions of any number of states.

If the Senate goes along with the House, this situation will finally be corrected. Federal judges will henceforth be able to concentrate on improving their knowledge of Federal law, and they will try only cases involving Federal statutes and questions.

The abolition of diversity jurisdiction will, of course, throw back on the overburdened state courts the approximately 32,000 civil cases annually filed in the Federal courts under the diversity heading. (Actually, this is the 1977 figure, and it grows every year.) But the added burden will not be as great as it might seem, since these cases would be spread among the approximately 6,000 state judges, rather than the 299 Federal District Court judges. Furthermore, the state judges would be more familiar with the subject matter of these lawsuits and with the laws governing their resolution, so there will be an added efficiency in handling them that was lacking in the Federal courts.

A dramatic result would be the freeing of Federal judges to hear their criminal cases more expeditiously. This will probably resolve in one blow the growing backlog in some Federal districts' criminal dockets. In many Federal districts, the growing criminal dockets have caused the judges to toss important civil cases — cases in which there was and is a substantial Federal interest — on the back burners. That situation would be resolved if diversity jurisdiction is indeed abolished.

This change, while strongly supported by the Federal courts and the Department of Justice, has been opposed by the American Bar Association. Lawyers have always liked diversity jurisdiction, for it has given them added flexibility in choosing the forum in which their client's cases would be litigated. Thus, if a plaintiff's lawyer wanted the case to move quickly, he could pick either the state or Federal system — whichever was least overburdened at the time in his locale. Or if he represented a defendant, a lawyer whose client was sued in a "foreign" state court could remove the lawsuit into the Federal court under the diversity doctrine; this choice of a forum would also give the lawyer a choice of how quickly or slowly the case would proceed, or which judge might hear the matter.

All in all, the change deprives lawyers of the ability to take advantage of anomalies in the court system in order to accomplish their tactical goals without reference to the well being of the court system as a whole.

(Ordway P. Burden invites correspondence to his office at 651 Colonial Blvd., Westwood P.O., Washington Twp., NJ 07675)

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The worldwide crime scene

An interview with Dr. Gerhard O.W. Mueller, Director of the Crime Prevention and Criminal Justice Section of the United Nations

Gerhard O. W. Mueller has directed the United Nations' Crime Prevention and Criminal Justice Branch since 1974, during which time he served as executive secretary for the UN's Fifth Congress for the Prevention of Crime and the Treatment of Offenders.

After pursuing a brief law enforcement career with the British Military Government Water Police from 1945 to 1947, Mueller moved to the United States where he taught law at a number of institutions, including the University of Chicago, and the Yale Law School.

The holder of J.D. and LL.M. degrees, Mueller has served as consultant to a number of prestigious panels and associations such as the Senate Judiciary Committee, the Ford Foundation, the American Bar Association, and various international agencies. He has authored or co-authored 13 books related to criminal justice theory and procedure and has edited over 60 texts and monographs in the field. The recipient of numerous honors and awards, Mueller has been mentioned in *Who's Who in America*.

This interview was conducted for Law Enforcement News by Robert McCormack.

LEN: I wonder if you might tell us a little about the Crime Prevention and Criminal Justice Section of the United Nations and its function.

MUELLER: Within the U.N.'s Center of Social Development of Humanitarian Affairs, there are a number of branches that deal with various aspects of the social developments that are taking place all over the world in conjunction with economic developments. Some of these are positive future-oriented. We try to promote the lot of the handicapped, of children, of women in development, and so on. But as part of development there also are negative effects. As a society goes through economic development, it builds factories, urbanizes and makes other changes. Something negative may take place — mainly crime and the deterioration of family life.

The job of my branch is to look into these negative aspects of development and to come up with solutions to prevent these negative things from happening while a nation undergoes the developmental process. For that purpose, my branch conducts international congresses and meetings at which crime information is exchanged. We en-



Gerhard O.W. Mueller

to provide social control as distinguished from law enforcement control.

LEN: That would be what? The commune?

MUELLER: Yes, it may be the commune, it may be the factory unit, it may be the neighborhood unit, or it may be the newly created family — the kibbutzim in Israel, for example. It is subject to social organisms that play the role of supporting each other. Japan is an interesting example. While in Japan the family is falling apart to some extent, the neighborhoods are still intact. As more and more neighborhoods assume social support factors, neighbors will watch you in a way, watch over you, help you and support you when you stumble. To a very large extent, the extremely low crime rates of Japan are explainable by the fact that some surrogate social forces are operative which help people from becoming involved in

"As a nation becomes more developed and productive, its economic criminality increases and its criminality amongst persons decreases in proportion to each other."

gage in research and engage in training in our institutions around the world. In addition, my staff members and expert consultants are sent to the various parts of the world, at the request of countries, to help them solve their crime problems. We take world crime census in which world crime trends and crime prevention policies are monitored. But all of this is for the purpose of helping nations to develop harmoniously, socially and economically and to avoid disruption and the cost that crime and victimization bring with it.

LEN: You have attributed at least some of the crime in society to the breakdown of the family, the schools and the community. Do you feel that in progressive, modern societies these informal means of control have deteriorated in the past year?

MUELLER: There is an eerie correlation between urbanization and all that goes with it — the breakdown of the extended family, the breakdown even of the small family, the loss of control of village and neighborhood communities and an increase in crime. It doesn't have to be that way, however. We have countries in the world which are undergoing a rapid social and economic development where there has been success in maintaining the social control of which we speak — a control not by handcuffs or squad cars or prisons, but a control by social entities such as family, community and religion. In some countries where the village community has fallen apart because of urbanization, substitutes were created. The substitutes may be political in some areas as in China or some of the socialist countries where they say that the family no longer exercises control, but they invented something else

criminal activities.

LEN: In the United States we define the criminal justice system as being the function of the police, the courts and other specific groups, but you seem to espouse an even broader picture of the system that involves other social groups. Could you give us your views on that?

MUELLER: At one time in history the Anglo-American criminal justice system was revered as the most popular because it had lay participation, popular participation, in the form of the jury. But when the jury trials gradually disappeared, with hundreds of thousands of trials or plea-bargainings taking place without a jury, this popular aspect of the American criminal justice system has been lost. But I think we have discovered popular participation in other forms, such as volunteers in probation, police auxiliaries and citizens' groups participating in crime prevention — new forms of commune in which neighborhoods organize themselves for crime prevention purposes, help delinquency-prone youngsters and participate with law enforcement agencies. There is, in other words, a new form of popular participation in America that is a far better and more effective form than the jury trial ever was.

LEN: How about organizations like the welfare system in New York City which deals specifically with problems of poor, who apparently commit a disproportionate number of crimes in terms of their specific numbers? How about those kinds of agencies becoming a part of the criminal justice system in terms of their ability to prevent and reduce crime?

MUELLER: Even if these are agencies of crime prevention in a larger sense, I am afraid that they cannot be effective

until and unless they themselves are forms of popular participation. If they are just another government bureaucracy doling out money or setting down rules and regulations, then that is not an effective means of crime prevention. But, to the extent that they become communal efforts, societal efforts of the structure — the city, the borough, the neighborhood — then they could in fact become useful crime prevention vehicles.

LEN: Are you suggesting that a decentralized version of a major bureaucracy might cut crime?

MUELLER: That certainly seems to be one of the things which all the successful countries in crime prevention have in common.

LEN: Can you give us some examples of what you call "new crime"?

MUELLER: It may vary from region to region depending upon what is bothersome to a particular country. Let me give you two examples. One of the West African countries is in the process of urbanizing. A large problem of what we used to call "victimless crime" arose. Single men were drawn from the hinterland to the seashore, where they built a new city. The problems spread as soon as those men had money in their pockets. What do single men, living in shacks, do with money in their pockets? They gamble, and along with gambling starts drinking, with gambling starts fighting, and prostitutes are brought in. Little girls were brought in, 12-year-old girls. Prostitution started, venereal disease spread like wildfire, and that is the sum of crime now. That is the kind of scene where our office may be called in for advice and assistance.

Another example is one Caribbean country, where an immense problem of violence was created — stranger-to-stranger violence, rather than violence among friends on Friday nights after a couple of beers. It wasn't clear why, all of a sudden, there was this fantastic increase in violence. It affects the welfare of a country, it affects the economy of a country, particularly in an area that largely lives on tourism. That is a situation where the office may be called in to provide help and assistance. More and more, it is in the area of economic criminality that we are asked to help. Economic criminality, whereby a single multinational corporation can create millions or even billions of dollars of damage by criminal activities. Computer fraud is large in that area. There we may be asked to help, although there is no center for multi-national corporations within the United Nations with the specific task of looking into this problem. We are charged with the task of developing a code of standards for multinational trading partners.

LEN: That really leads to the next question because one of the duties of this office, if I understand it correctly, is to measure trends in crime throughout the world. Apparently, from what you just told us, certain types of crimes are just catching up with certain developing nations. Are there any identifiable trends in crime throughout the world?

MUELLER: That is a very, very broad question. We have looked at the situation country by country for all those who have reported to us, and there are 67 or 68 countries which have so far participated. It is noticeable that female criminality is increasing more rapidly than male criminality. Just look everywhere in the world. Economic criminality is also increasing in most parts of the world. One interesting trend that we see it that as a nation becomes more developed and more productive, its economic criminality increases and its criminality amongst persons decreases in proportion to each other. Overall, there is likely to be an increase of criminality, but as I said, there are some very important exceptions to it. Countries of all different kinds of ideologies and social economic systems are proof that the opposite might happen, but those are exceptions.

LEN: Does that come from the fact that in more economically advanced countries, it is easier to steal in more sophisticated ways rather than hitting someone on top of the head and taking a purse?

MUELLER: I don't think our data allow us to draw that conclusion. It might be a bit too fanciful, although there may well be a relationship with the amount of total wealth that is available. Opportunity, of course, is one of

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"We do know what kind of an impact warehousing does have on prisoners. They come out even more infantilized than they were to begin with, (and) they're economic failures for the most part, now even softer rather than tougher."

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the factors: we can't steal automobiles unless there are automobiles, but that is too easy a correlation. I'm hesitant to pronounce that.

LEN: You mentioned that there is a large increase in female crime.

MUELLER: A larger increase than in male crime.

LEN: And you date that sometime around World War II when the female became a part of the work force. Could you expand on that?

MUELLER: Different countries have different trends at different times in history. Your reference to World War II is an interesting one, and Poland comes particularly to mind. With the taking of statistics, and the resumption of statistics taking in Poland in 1945 and 1946, there was a marked increase in female criminality, particularly in economic criminality. For several years this trend continued and it happens to coincide with the drawing of women into the labor force, which occurred at precisely those times. But then an interesting thing happened — it leveled off. After about eight or nine years, female criminality leveled off and went down to the pre-war level in relation to male criminality. What some of the highly industrialized countries are experiencing at this point is very similar. In those countries during the last five, six, or seven years, women were drawn in real masses into more important positions in the economic world, drawn out of the home. There are few housewives in relation to the total female population. You will find women as bank tellers, as bank presidents, as law enforcement officers, as airline pilots and whatever. And lo and behold, it turns out that as a woman is subjected to the same stresses and strains that males have traditionally been subject to, and given the same temptations and opportunities, they also tend to yield to those opportunities.

There is no reason why female bank presidents should be any more honest than male bank presidents. Apparently, we are experiencing something of that sort and it is interesting that a number of the western countries seem to be having the same experience.

LEN: Another one of your organization's mandates is to try and come up with what we call "replicable projects." In other words, you take a look at experiments that are being conducted throughout the world and determine if they have application in other places. Are there any outstanding crime prevention projects of which you are aware?

MUELLER: I could mention a couple that seem to have promise. One is the very large scale Japanese experiment with volunteers in probation and parole. For all practical purposes the individual parole officer servicing a client, a convict or an ex-con, is a private individual, just an ordinary citizen who has gone through evening classes and courses and who is being supervised by the only professional, a parole or probation supervisor. The real day-to-day contact is done by a fellow citizen, and that seems to work like a charm. It also appears to be a lot cheaper than the system by which you use 40 trained professionals. This is a good, effective and successful form of popular participation. If it works in Japan, why can it not work somewhere else?

LEN: Why is it that a paraprofessional can be much more effective? Can you recruit more of them?

MUELLER: There are probably a number of reasons. One is the numbers game. Obviously as you know, there is one probation officer supervising 70 to 80 probationers and there's no contact — nothing takes place. In the Japanese experiment, a one-to-one relationship. But there may be other reasons why a volunteer with greater enthusiasm and undivided interest can have a greater impact on that individual. The volunteers may be less suspect vis-a-vis the probationer — that person doesn't really stand for government, state, police, or courts; he's just a citizen. So we have been trying to stimulate this kind of development in the countries that are too poor to have a one-to-one professional probation officer for each convict and this idea is catching on.

Another idea that may recommend itself is something that comes from indigenous society. Under some indigenous laws in Africa, for example, the punishment for what we would call atrocious assault or felonious assault is to nurse the victim back to health, while here in developed countries, we've been desperately trying for years

and years to find a victim compensation scheme that works. None has been invented that works. Here's a beauty. Why don't we try it? In lieu of sending the perpetrator to prison for a couple of years to sit there in idleness, to earn nothing, to cost the taxpayers, why not put him to work? He can restore the victim back to health, but not necessarily on a one-to-one relationship. The general idea, of course, is to utilize the energy of the perpetrator for restoration of the victim, and there are probably many other examples that would mandate that a perpetrator be responsible.

LEN: Is there any urban society that has used that last one with any kind of success?

MUELLER: Under their power to impose probation conditions, a number of judges, even in the United States, have done things of that sort. We have a little file of those clippings and it's very interesting. After we publicized the idea it has caught on here and there, but it does require the power to impose probation conditions in urbanized society today. Other than that, there has been no large scale experimentation, although there are different forms of victim compensation. In France, for example, there can be a civil damage adjudication in the criminal proceeding if the perpetrator is found guilty of say atrocious assault. The judge is permitted to impose a court order for the defendant to pay a hundred dollars or a hundred francs for the rest of his life.

frequently been misdirected. It has frequently been the wrong rehabilitation for the wrong persons. If, for example, the only rehabilitation in a prison is at Alcoholics Anonymous once a week, then everybody goes to rehabilitation because it breaks the monotony of the day, including those who have no alcohol problems. Okay, it's rehabilitation, but it's the wrong rehabilitation for the wrong people, so it cannot help. My answer would be real rehabilitation has not worked, because it really has not been undertaken. If warehousing were to help in crime control I would be all for it. We have no idea, either, that this works. In central Europe around the turn of the century, warehousing was the punishment. People were put away for fixed terms, but we have every indication that the crime rate in imperial Germany, for example, was higher than the crime rate is for the German republic today. Could we conclude therefrom that warehousing has an impact? We do know what kind of an impact warehousing does have on prisoners. They come out even more infantilized than they were to begin with, because they are told everything from morning routine to night routine. They're dependent to begin with, before they went into prison, but they're economic failures for the most part, now even softer rather than tougher once they're out, after having been warehoused. Some may have learned the tricks of the trade. All have made contact with friends and not the most desirable kind. If we look at the total pic-

"A woman is subjected to the same stresses that males have traditionally been, and given the same temptations, they also tend to yield to (them)."

LEN: Sweden has probably been one of the most progressive countries in the world in dealing with deviant individuals in society and a recent article in The New York Times stated that despite all of their progress in terms of helping individuals to correct their deviant ways, they haven't had too much success in terms of recidivism. Have you any views on that?

MUELLER: I must say I would have to look at Swedish recidivism rates. Offhand, I don't remember them. The Swedes, if I remember correctly, had a recidivism rate which was not better than the European recidivism rate as a whole. Maybe they're spending more money in crime prevention per capita than a comparable country further to the south. At the same time, they have fewer people in prison than many other countries. Finland, for example, has double the prison population of Sweden. You are driven to the conclusion that what they're doing is perhaps more humane. In other words, there are fewer prisoners languishing in prison. If you have two ways of achieving the same results, would you not rather pick the more humane way or the less humane way?

LEN: Not only that, it is probably the cheaper way in terms of what it costs to incarcerate a prisoner as compared to having a man on some sort of a work program or something like that.

MUELLER: You're quite right. On the whole it is true, although we have found that in countries with very low prison populations, the Netherlands for example, which has the lowest prison population in the world, the system spends a correspondingly larger amount on the criminal justice system in other forms. Then what you find is that there may not be less prison staff in the Netherlands than, say, in Finland, but there is more individual attention by correction officers toward the prisoners.

LEN: One of the big problems that we hear about, particularly in the United States, is a general fear of allowing people who have committed crimes to serve shorter sentences or to be on parole. Can you address this whole problem in terms of the social and economic consequences of crime? As a matter of fact, you talk about how one measures the feeling of anxiety among citizens in terms of a cost benefit analysis. How do you feel about the argument that people should be warehoused?

MUELLER: Well, very little real rehabilitation has actually been endeavored, so there may have been buildings or parts of buildings that had a sign on them that said "Rehab Center," but that doesn't mean that rehabilitation has in fact taken place. If those systems did not have a desirable effect, it should surprise no one. Rehabilitation has

ture, we are returning to imperial Germany, and all the other imperial countries who used warehousing to no good 70, 80 and 90 years ago.

LEN: Are there people who are not capable of being rehabilitated, and if they are, what do we do with them?

MUELLER: Undoubtedly, and this is why the General Assembly has approved, as one of the five major agenda items for discussion for the Sixth United Nations Congress for the Prevention of Crime and the Treatment of Offenders in Sydney, Australia in 1980, the topic of the institutionalization of corrections and what to do with the residual prisoner. Here we're talking about the prisoner everybody fears, and no one knows what to do with. As countries are more and more successful in deinstitutionalizing corrections, they are increasingly concerned particularly with the residue of offenders. We don't know yet how to identify these people. We are very much concerned with the retrogressed types and so on, who have demonstrated to us that they are virtually unreachable by all the means of social control including control of the criminal justice system.

LEN: How about a person who has committed a very violent crime three or four times — a recidivist in that particular area?

MUELLER: I would sympathize with any society which would say under those circumstances, "Buddy, that's it! You stay right in there."

LEN: You would sympathize with them?

MUELLER: Every society has a perfect right to do that. But even there I would review these cases, say at age 65 or certainly after. There is every reason to review such cases, but there will be some who will have to remain in safekeeping for the rest of their lives. But we don't quite know yet who they are. We're probably overdoing it. We're keeping more in prison than should be there. That's why I'm asking the question: what can be done with that kind of offender? A lot of prison wardens will tell you, "Hey, you can't take all the good guys away from me. I need some of those softies around." With that I cannot sympathize. That's not the purpose of prisons — to put good guys into prison. It isn't worth the money then.

LEN: So you do feel they should be segregated?

MUELLER: Well, segregated in a sense, I wouldn't put non-dangerous persons in prison in the first place. But that is another question because we don't know yet.

LEN: During the recent power blackout in New York City, there was a two-day rampage of looting and burning by certain individuals in certain communities. Many of the

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Supreme Court Briefs

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 tenders placed on probation under §5010(a) of the Federal Youth Corrections Act may be required to make restitution, and "when the otherwise applicable penalty provision permits, a fine may be imposed as conditions of probation."

The United States District Court for the District of Maryland, after consolidation of five cases, and the Court of Appeals for the Fourth Circuit affirmed a U.S. magistrate's ruling. The petitioners had pleaded guilty in separate proceedings and were each given suspended sentences and placed on probation. As a condition of probation four defendants were fined \$100.00 and the fifth was fined \$50.00. In addition one juvenile was "ordered to make restitution, in the amount of \$160.00."

Petitioners' attorneys argued before the Court that "fines are necessarily punitive and their imposition [is] therefore inconsistent with the rehabilitative goals of the Youth Corrections Act." In rejecting this argument Justice Brennan, who wrote the Court's decision, incorporated a section of the District Court's decision into the Court's opinion, stating that "a fine could be consistent . . . with the rehabilitative intent of the Act. By employing this alternative [a fine and probation] the sentencing judge could assure that the youthful offender would not receive the harsh treatment of incarceration, while assuring that the offender accepts responsibility for his transgression."

The Court also rejected the position that "since §5010(a) does not explicitly authorize the imposition of fines, sentencing judges have no authority to impose them when sentencing under that provision." The Court based its rejection of this argument on chapter 231, the general probation statute, and specifically on §3651, which allows for fines and retribution while on probation. Note. Justice Blackmun took no part in the consideration or decision of the case, due to his absence from the Court last year for surgery. (Durst v. United States, No. 76-5935, announced February 22, 1978.) Hearst case docketed

In an attempt to overturn the conviction of Patricia Hearst, and its subsequent affirmation by the Court of Appeals for the Ninth Circuit, F. Lee Bailey, supported by the work of five Massachusetts attorneys, has petitioned the Supreme Court to grant certiorari to consider six issues of law.

The Court of Appeals in its ruling, 563 F.2d 1331, upheld the District Court's decision on every substantive issue raised by the Hearst attorneys. Nevertheless, the Bailey team has posed seven questions for the Supreme Court's consideration which suggest that the Court of Appeals, the government attorneys and the county prison officials all committed acts which would be grounds for reversal of the lower court rulings. (Hearst v. United States, No. 77-1089, filed February 2, 1978.)

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PUBLIC FORUM

By THOMAS F. COON

The difficult, complicated lot of the local police officer

Richard L. Thornburgh, former Assistant Attorney General in charge of the Justice Department's Criminal Division, recently commented on "the specter of violent street crime which causes citizens in many of our communities today to hesitate to walk their streets, to use their recreational facilities, and, in some cases, even to use an elevator in a high-rise apartment complex." He added, however, that "these crimes which place some American citizens under virtual 'house arrest' are, for the most part, beyond the jurisdiction of most federal law enforcement agencies."

In further describing the role of the local police officer, former President Ford had noted to Congress in 1975 that "the Federal role in the fight against crime, particularly violent crime, is a limited one. With few exceptions, the kinds of crime that obsess America - murder, robberies, rape, muggings, holdups, break-ins - are solely within the jurisdiction of state and local governments."

This is not to suggest that the Federal law enforcement community is avoiding its responsibilities in this area. On the contrary, the Federal authorities are responding laudably to their duties with respect to many aspects of violent crime, such as the investigation and prosecution of Federal offenses like bank robbery, kidnapping, aircraft hijacking and terrorist bombings. They do it day in and day out as true professionals.

The Federal agent is very often assigned a case and he then conducts his investigation without ever coming into personal off-duty contact with the subject. In a large number of other cases, the agent may tail the subject but, again, never deal with him face to face. It is very easy to be the epitome of objectivity in such cases. Personalities, friendships and close associations with the subject of the investigation are never compelling considerations, and understandably are not unwinding diversions of the Federal agent assigned to the case.

Conversely, the local police officer must contend with a factor that can make his job more complicated - he almost always resides in the same community as the subject of investigation. Or, going a step further, the subject often lives on the same block as the investigating police officer. The officer may have gone to school with the subject or have played on the high school football team with him. When responding to a call, the subject of investigation is sometimes a relation.

For the local officer, old friendships and associations insidiously slip into investigative considerations. The officer must face the subject and the subject's family and friends during and after the investigation. Neighborhood social and political pressures can not be easily eliminated from the case. The pressures upon the investigating police officer are enormous; indeed, they can be tormenting. I am sure we will all agree that more than one police officer has gotten into trouble and been accused of nonfeasance, malfeasance or misfeasance because of overwhelming pressures in these directions. It need not be a question of corruption when the ill-advised act or failure to take police action occurs. It may be a matter of mistaken loyalty to a friend and capitulation to neighborhood pressures.

Both the Federal agent and the local investigating police officer have difficult roles to play. One should, however, never derogate the role of the local police officer. He has often been described as the front line of defense against the challenges to our entire criminal justice system. Along the way, he has also been described as having a most difficult role to play.

The local officer's role is indeed all of that. As the old Packard automobile advertisement used to say, "Ask the man who owns one!" The local police officer and the municipal detective own this increasingly difficult responsibility. It's a hard task which grows with each succeeding day, as everyone associated with the criminal justice system will agree. It just isn't getting measurably better despite expenditures by the Law Enforcement Assistance Administration. The local police officer needs the public's sincere cooperation in this fight against crime. And most particularly, he needs the public's respect, understanding and sincere appreciation.

IACP, mayors' group clash over tenure for police executives

Continued from Page 1

appeal his removal, noting that such a process is almost non-existent. "No charges [are] brought forward, no witnesses are heard, no evidence is presented, and no hearings are allowed," he said. "In this respect, the police chief has even less right to judicial processes than does the common criminal."

Although Moody conceded that the "police administrator should never be the 'puppet of opportunistic politicians,'" he was adamant on the point that elected officials should not "be a prisoner of an unresponsive, ineffective, and entrenched police administrator who refuses to respond to the changing needs of a community."

Shook also expressed concern for the quality of police service as it is affected by police chief tenure. He contended that the effectiveness of "the cooperative law enforcement effort" is negated by political

changes in police leadership, adding, "The constant specter of losing one's job to political whimsy is not conducive to the development of long range planning."

The IACP president offered a two-point proposal designed to guard against the arbitrary removal of police chiefs: "First, to ensure against unqualified stewardships of police agencies, the simple procedures of assessment center testing and confirmation hearings should be implemented for the selection and appointment process. Second, a system of removal for cause through due process of law should be the only alternative to contracts and tenure for police administrators."

Moody agreed that "this subject deserves reasoned discussion," but challenged Shook's method, noting, "There is merit to the underlying intent of President Shook's words, but there is little merit to the words he chose."

The painful realities of implementing police research findings

There is something so natural, so inevitable about the changing emphasis in accepted law enforcement wisdom that it is hard to appreciate, after the fact, how revolutionary an intellectual leap we have made. In policing, our thinking has moved from the imitation of past practices to a careful scrutiny of all facets of our professional activity. Our officers, no longer content to learn solely from contexts, are seeking knowledge from text books. Departments are becoming cognizant of the value of research and are increasingly willing to listen to outside professionals.

A Few Tentative Truths

Police departments, strongly tied to past practices and traditional methods, have received a great deal of criticism because of their seemingly impervious resistance to change. With tremendous loyalty to the organization and little questioning of the department's role in a rapidly changing environment, police managers are viewed as having made passive attempts at change. Minor modifications in managerial staff and/or the introduction of modest procedural improvements aimed at increasing the efficiency in the way police accomplish generally accepted tasks are seen to be key factors in the overall change strategy.

But the reliance on myth and folklore about the police has only recently been questioned. The tremendous push for an objective or scientific analysis of policing has resulted in a tendency to discuss the necessity for change and improvement without systematically addressing the problems of implementation.

Organizational change is a subtle and gradual process and the difficulty with implementation often rests with the nature of the institution itself. There are probably two major issues associated with the process of institutional change that play predominant roles: (1) The problem of institutional order; (2) The problem of ensuring that forces of integration operate in such a manner to effectively accommodate change.

Any contemplated change in police departments must be done in such a way as to not seriously interfere with the plans of the legitimate users of that department. Although the suggested change should improve delivery of services to the community, many theoretically sound improvements might cause difficulty among other system components if implemented. There are obvious limits to how much change an organization or society can cope with in a given time. Any proposed displacement or elimination of service will have to be carefully studied. The contemplated change must meet the need for coherence and permanence and reconcile this need with the desirability for organizational flexibility.

Implications of Institutional Change for Police Organizations

With a basic understanding of police organizations and the concept of change, it is relatively easy to see that any implementation of genuine improvement in police departments will necessarily have to be gradual. Those involved in policing have realized this for some time. But the large amount of Federal money available for police research and program development seems to have obscured some of these widely recognized change

concepts.

The police have been given badly needed assistance and criminal justice research has been useful and enlightening. However, little has been done to test suggested improvements and to develop capable managers within the organization to cope with these innovations.

This shortcoming has not been solely the fault of the Federal government or the lack of sincerity of those involved in the interventions. In many cases, police departments, because of extra equipment that was budgeted as part of a project, were willing participants in programs which they neither felt worthwhile nor understood. Local and state planning agencies have been equally ineffective in translating findings into usable improvements. Agencies charged with monitoring and evaluating the various programs are hampered by their lack of involvement with the intricacies of the project or research, their unfamiliarity with police organizations, and political considerations and pressures which often prevent evaluations or monitoring from being anything more than glowing reports which bear little resemblance to reality.

Our present funding structure and priorities encourage a lot of research on isolated problems without much actual change in basic agency practices. In large urban areas where problems of victimization are extremely complicated, the situation is exacerbated. The problems of crime and general interpersonal, intrafamily decay are enormous, financial resources are scarce, and demands on police organizations are increasing. Departmental personnel must have the capacity to carry on recommended programs. This capacity may be developed by hiring more research oriented people, by training present personnel or by modifying present research priorities to concentrate more on implementation. Policing and criminal justice issues are national in scope and should not be left to local agencies to resolve. But research must be introduced, applied and molded into workable programs if our departments are to reap any benefits.

Conclusion

The implementation of meaningful change within a police agency is a difficult but necessary process. Widely recognized and accepted improvements are often not implemented because of inadequate effort given to translating theory into reality, because those interested in applying theory fail to take into consideration its overall effect on the agency, or because bureaucratic inertia or personal frustration cause outside interventionists to give up. Both those individuals who work within the agency and those researchers, students, and scholars who study police agencies must play a more active role in molding and applying the available research findings to police agencies.

Organizational News

The Annual Symposium, entitled "Professionalism and Unionization of the Police," will be held on May 4-6 in St. Louis. The registration fee is \$25.00 and should be sent to AAPLE, Eastern Missouri Chapter, 11333 Big Bend Blvd., St. Louis, MO 63122.

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Current job openings in the criminal justice system

Police Chief. Mason City, Iowa, population 31,000, is seeking applicants for the position of Police Chief to head a department of 47 sworn officers and 15 civilian personnel.

Applicants must have three years experience in a public law enforcement agency or three years experience and two years of comparable experience or educational training. A record of progressively responsible supervisory and administrative experience is necessary.

The salary is open with a full range of fringe benefits. Closing date to submit applications is April 15, 1978. Send inquiries to Mayor, 19 South Delaware, Mason City, IA 50401. An Equal Opportunity Employer.

Assistant Professor. The Department of Administration of Justice and Public Safety at Virginia Commonwealth University is seeking qualified applicants for the position of assistant professor. The effective starting date is August 15, 1978.

Applicant chosen for this tenure track position will teach undergraduate and graduate students pursuing degree options in planning and management, and program management and will be responsible for a heavy student advising load. Teaching load: 12 hours per semester. Courses taught will be in the areas of administrative and organizational theory, as well as other police and management related subjects.

Salary is negotiable. The contract will run for ten

months with summer teaching possible.

A Ph.D. is preferred, however, a master's degree is required with emphasis in administrative theory, organizational behavior, and police management. Significant teaching experience, five years of service with a progressive law enforcement agency, and some experience with students transferring from a two year to a four year program is necessary.

Interested persons should send a current resume and any additional information in support of their candidacy to: James P. Morgan, Jr., Chairman, Faculty Search Committee, Department of Administration of Justice and Public Safety, Virginia Commonwealth University, 901 West Franklin Street, Richmond Va. 23284.

Faculty Position. The School of Law Enforcement at Jacksonville State University in Jacksonville, Alabama has a faculty position opening at the Assistant or Associate level, to begin September 1978. The school is located between Atlanta and Birmingham in the foothills of the Appalachians.

A Ph.D. is preferred, but will consider A.B.D.'s. Preferred teaching areas include private and industrial security, law enforcement and general criminal justice. Salary range for this position depends on qualifications and experience. Excellent fringe benefits will be provided.

Submit vita to: Dr. Tom Barker, Dean, School of Law Enforcement, Jacksonville State University, Jacksonville,

Alabama 36265.

Criminal Justice Faculty. A new tenure track position at the assistant professor or instructor rank is open at the Center for Studies in Criminal Justice at St. Cloud State University. This position entails teaching general criminal justice courses.

An earned doctorate is preferred, however, persons near completion of the doctorate will be considered.

For information and application forms, contact: Dr. Robert Prout, Director of The Center for Studies in Criminal Justice, St. Cloud State University, St. Cloud, MN. 56301. The deadline for the receipt of completed application materials is April 15, 1978.

Police Psychologist. The City and County of Denver is seeking a police psychologist to perform the following duties: assist in the development and implementation of the department's in-service training program on stress management; provide psychological counseling to police officers who voluntarily request it; administer and interpret the results of psychological and biofeedback testing when applicable, and maintain data, consistent with requirements of privacy and confidentiality, that are necessary to evaluate projects' achievement of objective.

Requirements include a Ph.D. in psychology and two years' experience in clinical psychology beyond a clinical internship. Experience must be in the area of individual adult counseling with training or experience specifically related to stress management in an industrial governmental or public safety setting.

The salary for the position is negotiable up to \$26,628 and is due for adjustment on May 1, 1978. The position is funded under a twelve-month grant from the Law Enforcement Assistance Administration, with a strong possibility of continued funding by the city after that. The best qualified applicants will be invited to Denver for an oral examination with at least part of the expense defrayed by the city.

Interested applicants should submit a detailed resume, including experience, educational background, present employment status, and other pertinent personal information, to: Career Service Authority, Attention: Gerald Thalhamer, 414 14th Street, Denver, CO 80202. All resumes and supporting materials must be received by April 7, 1978.

FACULTY POSITIONS

Youngstown State University, Youngstown, Ohio

— Beginning date in September, 1978 Position calls for emphasis in the area of Corrections. The candidate should be able to instruct in the undergraduate and graduate program as well as to participate in Criminal Justice Research. Practical experience in Correctional Treatment and a Doctoral Degree is required. Rank and salary is competitive and will depend upon academic preparation, teaching excellence, and professional experience. The university is an Equal Opportunity Employer and Equal Educational Opportunity Institution. Minority applicants are encouraged to apply. Applications must be received by April 29, 1978. Send vita, letter of reference, and supporting materials to: Faculty Search Committee, Department of Criminal Justice, Youngstown State University, Youngstown, Ohio 44555.

FACULTY OPENINGS

Memphis State University is seeking two (2) candidates with academic preparation and/or employment experience to serve as faculty members in a growing criminal justice department which is a part of the College of Arts and Sciences. Primary responsibility will be classroom instruction in a 8A program and participation in the development of a graduate program in criminal justice or a related area. Agency experience and/or teaching experience is preferred. Salary will be competitive for the positions which start September 1, 1978. Submit resume by May 1, 1978 to Director, Institute of Criminal Justice, 405 Mitchell Hall, Memphis State University, Memphis, Tennessee 38152. An equal employment opportunity university

LEN interview: UN's Gerhard Mueller

Continued from Page 7

newspapers portrayed the police as standing by and watching without too much in terms of alternatives. They couldn't arrest all of the looters because there simply weren't enough police officers. What kind of reaction did this situation get in the foreign press and among foreign police officials?

MUELLER: There was not too much surprise at this situation. There had been surprise 12 years earlier during the first blackout in New York, when virtually no crime took place. There was a standstill in crime which surprised the world tremendously. Well, weather conditions played a role there, all kinds of other things played a role. But I must say that was surprising to everybody in law enforcement.

The reaction this time was within the normal range which we have noticed elsewhere in the world. A similar, particularly striking example was noted in Montreal. There, the officers were out on strike, which in effect meant that the criminal justice system was suspended and looting took place. Everybody settled their grievances in more or less violent form. Firebombing of stores took place where people felt they had been badly treated. It is more or less a normal reaction. I don't think the police can be blamed very much for the fact that they were understaffed and could not handle the problems. It would

be dangerous for one or two officers to go into a crowd of 1,000 milling people, some of whom are armed, to stop the riots, looting and so on. The fault probably lies with management. That may be the fault of citywide management or statewide management in not providing for emergency planning which would have put adequate protection into the affected areas.

LEN: In many instances, the reason given for the looting and the burning in the second blackout was the fact that the neighborhoods had broken down and there was no form of social control. Are you saying that this is pretty much the condition in most other urban areas of the world?

MUELLER: You have every reason to believe that precisely that takes precedence. One more example is of a really highly civilized country, Denmark. When the Nazis occupied Denmark in 1944 and arrested the Danish police department, the theft rate and the burglary rate increased tenfold in a cool, calm, civilized country like Denmark. Of course, it does something. It does something everywhere.

There is something to the value of having a criminal justice system, a law enforcement system. Moral values alone cannot govern a society. Strength is necessary, and that strength can come only from the criminal justice system. You take a light; you switch it off. It is no longer there and the flood gates may open.

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Upcoming Events

April 17-20, 1978. Police Executive and Personnel Administration Course. To be held in San Diego. Tuition: \$200. Contact: G. Patrick Gallagher, Director, Police Executive Program, 1909 K Street, NW, Washington, DC 20006.

April 17-20, 1978. Police Performance Evaluation and Appraisal Workshop. Presented by The Traffic Institute. For additional information, contact: Registrat, Traffic Institute, Northwestern University, 405 Chutch Street, Evanston, IL 60204. Telephone: (312) 492-7245.

April 17-21, 1978. Allocation and Distribution of Police Manpower Workshop. Presented by the International Association of Chiefs of Police. To be held in Boston, Massachusetts. For more details write or phone: IACP, 11 Firstfield Road, Gaithersburg, MD 20760. Telephone: (301) 948-0922.

April 18-20, 1978. Vice Investigation Course. Presented by Case Western Reserve Law School in Cleveland, Ohio. Fee \$100. For more details contact: Center for Criminal Justice, Case Western Reserve Law School, Cleveland, OH 44106. Telephone: (216) 368-3308.

April 19, 1978. Drug Abuse Enforcement Course: Law & Procedures. To be held at the S.E. Massachusetts Regional Police Training Academy, Fall River, Massachusetts. Presented by the Massachusetts Criminal Justice Training Council. For further information, contact: Massachusetts Criminal Justice Training Council, One Ashburton Place, Boston, MA 02108. Telephone: (617) 727-7827.

April 21, 1978. Fourth Annual International Criminal Justice Conference. To be held at John Jay College of Criminal Justice in New York City by the Criminal Justice Center. General registration fee: \$30; for John Jay students with ID cards: \$15. For further information, contact Ms. Michael-Ann Graziano, Criminal Justice Center, John Jay College of Criminal Justice, Rm. 2104S, 444 West 56th Street, New York, NY 10019. Telephone: (212) 489-3592.

April 23-28, 1978. Advanced Organized Crime Program. To be held in Dallas by the National College of District Attorneys. For further information, contact: Registrat, National College of District Attorneys, College of Law, University of Houston, Houston, TX 77004.

April 24-28, 1978. One week course. Crime Prevention and the Juvenile. Conducted by the National Crime Prevention Institute in Louisville, Kentucky. For more information, contact: Educational Programs Manager, University of Louisville, Shelby Campus, Louisville, KY 40208. Telephone: (502) 588-6987.

April 24-28, 1978. Crisis Intervention Seminar. Presented by the University of Delaware in Wilmington. Tuition: \$175. For information, write, Jacob Haber, University of Delaware, Academic/Professional Programs, 2800 Pennsylvania Avenue, Wilmington, DE 19806.

April 24-May 19, 1978. Training Program — Police Executive Development Institute. Sponsored by the Pennsylvania State University at the University Park campus. Fee: \$795. For more details, contact: James R. Horner, S-203, Henderson Building, University Park, PA 16802. Telephone: (814) 865-1452.

Rd., Rochester, NY 14623; Telephone: (716) 442-9106.

May 22-26, 1978. Security Surveys Program. Presented by Indiana University Center for Public Safety Training. To be held in Cincinnati. Fee: \$200. For additional information, write: Donald P. Weir, Coordinator of Security Training, Indiana University, Center for Public Safety Training, 150 W. Market Street, Suite 400, Indianapolis, IN 46204.

May 22-26, 1978. Ninth Conference of the International Association of Airport and Seaport Police. To be held in London, England. For more details, write: The Secretary, I.A.A.S.P., 8, Gallions Entrance, London, E16 2QD.

May 22-June 2, 1978. Alcohol and Chemical Testing Course. Presented by the University of Maryland. Fee: \$290. For complete details, write: University of Maryland, Conferences and Institutes Division, University Boulevard at Adelphi Rd. College Park, MD 20742.

May 24-26, 1978. Management Workshop. To be held in Cincinnati, Ohio. Fee: \$200.00 For further information contact: Interface Resource Group, 3112 Wayne Ave., Dayton, OH 45420. Telephone (513) 254-6775.

May 25-June 10, 1978. Travelling Seminar to the Cities of Moscow, Leningrad, and Lallinn. Sponsored by the University of Dayton's Criminal Justice Program. Cost: \$1383. For further information and application forms write: Professor Brian Fetschner, Criminal Justice Program, University of Dayton, Dayton, OH 45469.

May 27-June 3, 1978. Ninth Circuit Seminar. Presented by the Association of Trial Lawyers of America. To be held at the Royal Lahaina Resort in Maui, Hawaii. For more details, write or call: Association of Trial Lawyers of America, P.O. Box 3717, Georgetown, Washington, D.C. 20007. Telephone: (202) 965-3500.

May 28-June 2, 1978. Police Supervision Program. Conducted by the University of Georgia's Criminal Justice Division, in Athens. Fee: \$185. For details on this or other programs, contact: Mike Swanson, Continuing Education Programs, Criminal Justice Division, Institute of Government, University of Georgia, Athens, GA 30602. Telephone: (404) 542-2994.

June 1-2, 1978. Seminar: Police Mental Health. To be held at John Jay College in New York City by the Criminal Justice Center, the National Association of Police Chaplains and Law Enforcement News Inc. Fee: \$45. For further information and registration materials contact: Mr. Jack Brennan, Criminal Justice Center, John Jay College of Criminal Justice, 444 West 56th St. New York, NY 10019.

June 5-7, 1978. Planning a Productivity System Seminar. To be held in Washington DC by the Theorem Institute. For more details see: April 26-28.

June 5-7, 1978. Weapon Selection: Body Armor, Weapons and Ammunition Workshop. To be held in Seattle, Washington by the International Association of Chiefs of Police. For further details see: April 17-21.

June 5-9, 1978. Analytical Investigation Method Course. To be held in Kansas City, Kansas by Anacapa Sciences, Inc. For more details, see: May 8-12.

April 24-May 26, 1978. Investigation Course V. Conducted by the Metropolitan Dade County, Florida, Institute on Organized Crime. Fee: \$300. For additional details, contact: William H. Dunman, 16400 N.W. 32nd Avenue, Miami, FL 33054. Telephone: (305) 625-2438.

April 26-28, 1978. Fundamental Crime Analysis Course. To be held at the Ramada Inn-Metro in Fomulus (Detroit), Michigan by Theorem Institute. Fee: \$255. For details, write: Michael O'Neil, Vice President, Theorem Institute, 1737 North First Street, Suite 590, San Jose CA 95112.

April 28, 1978. Batteted Women Seminar. Presented by Illinois Valley Crime Prevention Commission. To be held at John F. Kennedy Union Center at Ottawa, Illinois. For more information, contact: Kimberly Dixon, Training Coordinatot, Illinois Valley Crime Prevention Commission, 22 East Marion Street, Princeton, IL 61356. Telephone: (815) 875-2101.

April 29, 1978. Criminal Justice Education Association of New York Annual Meeting: Confetence on the Future of Criminal Justice Education. To be held at John Jay College in New York City. For more information, contact: Criminal Justice Center, John Jay College, 444 West 56th St. NY, NY 10019.

April 30, 1978. Civil Emergency Management Course. Presented by the California Specialized Training Institute in San Luis Obispo. For more details, write: California Specialized Training Institute, Building 904, Camp San Luis Obispo, CA 93406.

May 1-5, 1978. The Police Response to the Crimes of Homicide and Rape. Presented by the Pennsylvania State University at University Park. Fee: \$175. For further information, see: April 24-May 19.

May 1-5, 1978. Workshop: Meeting the Clandestine Threat. To be held in Las Vegas by the International Association of Chiefs of Police. Tuition: \$375. For more details, see: April 17-21.

May 8-12, 1978. Analytical Investigation Methods Course. To be held in Chicago by Anacapa Sciences, Inc. For more details, write: P.O. Drawer Q, 1528 Chalpa St., Santa Barbara, CA 93102.

May 8-12, 1978. Law Enforcement Photography Workshop. To be conducted in Rochester, New York by the Eastman Kodak Company. For more information, write: Law Enforcement and Security Markets, Eastman Kodak Company, Dept. 06 17-A, 343 State St., Rochester, NY 14650.

May 8-26, 1978. Law Enforcement Supervision Course. Presented by the Modesto Regional Criminal Justice Training Center. Fee: \$42 per unit. For further information, contact: Jack McArthur, Director, Modesto Regional Criminal Justice Center, P.O. Box 4065, Modesto, CA

95352. Telephone: (209) 526-2000, ext. 541.

May 15-16, 1978. Seminar: The Criminal Personality. To be held in St. Louis, by The Women's Crusade Against Crime. A nominal fee will be required to cover basic costs. For more information, write or phone: The Women's Crusade Against Crime, 1221 Locust St., St. Louis, MO 63103. Telephone: (314) 231-0425.

May 15-17, 1978. Seminar: Techniques of Narcotics Investigation. To be held at the Davis Keller Conference Center of Pennsylvania State University. Fee: \$150. For further information consult: April 24-May 19.

May 15-26, 1978. Southern Police Institute: Techniques of Instruction. Presented by the School of Police Administration of the University of Louisville. Fee: \$350. For further information, contact: Southern Police Institute, School of Police Administration, University of Louisville, Louisville, KY 40208. Telephone: (502) 588-6561.

May 16-18, 1978. Seminar: Audits/Financial Investigations That Detect Fraud and Embezzlement. Presented by the Association of Federal Investigators. To be held at the Baker Hotel in Dallas, Texas. Fee: \$225. For more details, contact: Association of Federal Investigators, 815 15th Street, N.W. Washington, D.C. 20005. Telephone: (202) 347-5500.

May 16-June 15, 1978. Private Investigator Training Course. Presented by Case Western Reserve Law School in Cleveland. Tuition \$100. For further information, consult: April 18-20.

May 17-18, 1978. Career Criminal Conference. To be held at the Hilton Hotel, Portland, Oregon. Presented by the District Attorney for Multnomah County. Fee: \$30 for pre-registration and \$35 at the door. For further information contact: Kelly Bacon, Career Criminal Conference, Rm. 600 Multnomah County Courthouse, Portland, OR 97204. Telephone (503) 248-3105.

May 21-26, 1978. Prosecutor's Office Administrator Course, Part 1. To be held in Houston, Texas by the National College of District Attorneys. For more details, consult: April 23-28.

May 21-27, 1978. Terrorism/Civil Distort Seminar. Conducted by the New Jersey State Police in conjunction with LEAA. For more details, write or call DSGA DeMauro or Detective R. Stengel, Project Coordinators, New Jersey State Police Training Center, Sea Girt, NJ 08750. (201) 449-5200 ext. 240.

May 22-24, 1978. Police Executive Management Course. Presented by the Regional Criminal Justice Education and Training Center in Rochester, New York. For details contact: Phillip C. O'Sullivan, Director, Regional Criminal Justice Education and Training Center, 100 E. Henrietta

Eaves suspended from Atlanta post amid cheating charges

Continued from Page 1

rate by about 10 percent, while he "virtually eliminated" incidents of police brutality.

Even in his final crisis, the commissioner was not without supporters. The Atlanta Constitution reported that in an emergency City Council meeting called by Jackson two days after the release of the Thrower-Ward report, a number of councilmen challenged the findings of the investigation.

One council member said that he thought the cheating report should be "shelved" outright, while four others expressed concern over probe's use of lie detector tests to draw its conclusions, sources told the Constitution.

Describing the scandal as "Atlanta's Watergate" and Eaves as "Richard Nixon," a Georgia State representative from Atlanta, Hosea Williams, noted that "if it had been a white chief, it would have been washed over."

But a more prominent Atlanta political leader, State Senator Julian Bond, called for Eaves's ouster shortly after the report was released. "There is going to be a continuing negative impact as long as Commissioner Eaves is in office," he told reporters.

Like Jackson, Bond said that the report did not convince him of Eaves's guilt in the matter. "I keep reminding myself that this is just collected evidence by these two men," he noted. "It's not court records, just opinion."

However, the state senator declared that the cheating incident "is going to be a matter of continuing controversy until it's resolved," and he noted that if Eaves remained in office he would "be subject to suspicion by his own men and by the public for the rest of his tenure."

Perhaps the most damaging testimony in

the report came from Officer William Taylor, who had charged that he was ordered by the commissioner to provide advance copies of the test to selected officers. Taylor disclosed that Eaves once told him:

"Well, I want these people to score high enough so that I will have no problems promoting them, but you get with Sergeant [Thomas N.] Walton and you work that out. I don't want to know anything about it."

In a Law Enforcement News interview conducted shortly before the cheating scandal broke into the open last year (LEN - Vol. III, No. 3), Eaves emphasized the need for promoting blacks to executive police positions through the use of a "validated examination."

"I think if we change it to an examination that is objective, that does not reflect cultural biases, then you will get a number of blacks making it into the system," he said at the time. "I think that is what I would insist on, that's what I am insisting on, and that's what other folks would be insisting on to make the system work - probably to perfection."

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The second film, entitled "Loss Prevention for Business: Internal Crime," discusses methods for preventing and discouraging employee theft, including prosecution. Topics covered in the movie include white collar crime, pilferage, fraud, embezzlement, expense account cheating and computer data bank security breaches.

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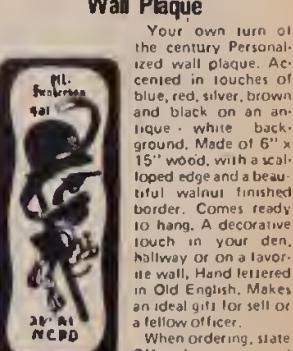
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